IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX APPLICATION No 361 of 1999

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI
and
Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

THE COMMISSIONER OF INCOME TAX

Versus

CHANDRAKANT DAHYABHAI PATEL (HUF)

Appearance:

MR B. B. Naik with Mr. MANISH R BHATT for Petitioner

MR SN SOPARKAR for Respondent No. 1

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR.JUSTICE A.R.DAVE

Date of decision: 27/09/2000

ORAL JUDGEMENT

After hearing learned counsel for the department and assessee, and on perusal of the order passed by the Tribunal deciding the appeal as also the order refusing to refer the proposed questions , we are of the opinion that on the proposed question No.1 in this memo of application, the following question of law does arise.

"Whether on the facts and in the circumstances of the case, the ITAT was justified in holding that the transfer of land would not fall in the period 1993-94 relevant to assessment year 1994-95 with reference to the deed of ratification dated 18.4.1996 and handing over of the possession of land for building activities in 1993 as per oral agreement in that year?"

We, therefore, allow this application. The Tribunal is directed to prepare a statement of case and send it to this court on the above question No.1 proposed in this application. Rule is made absolute,but with no order as to costs.

(D. M. Dharmadhikari,C.J.)

(A. R.Dave, J.)

parekh